

11-13-02

GP/3636

Please type a plus sign (+) inside this box →



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/986,213	
	<b>Filing Date</b>	October 22, 2001	
	<b>First Named Inventor</b>	RYAN XUE	
	<b>Group Art Unit</b>	3636	
	<b>Examiner Name</b>	Burnham, Sarah C.	
<b>Total Number of Pages in This Submission</b>	5	<b>Attorney Docket No.</b>	41575/29337

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Charge Deposit Account -08-3460 <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b))	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Request To Rescind Previous Nonpublication Request <input type="checkbox"/> Response to Notice of Allowability <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
<b>Remarks:</b> <input checked="" type="checkbox"/> Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 08-3460. I have enclosed a duplicate copy of this sheet <input type="checkbox"/> Amount: \$		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Robert C. Haldiman
Signature	
Date	November 11, 2002

RECEIVED

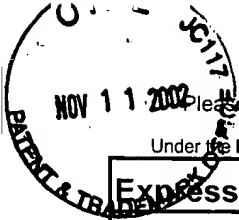
NOV 14 2002

GROUP 3600

CERTIFICATE OF EXPRESS MAILING			
Express Mail No. ET 380106828 US			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. <span style="border: 1px solid black; padding: 2px;">Date: 11/11/02</span>			
Typed or printed name	Deborah Spaulding		
Signature		Date	November 11, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

::ODMAIPCDOSIST\_LOUIS113155271



Please type a plus sign (+) inside this box

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Express Mail No.: ET380106828US</b>		<b>Attorney Docket No.</b>	41575/29337	<b>First Inventor:</b> Ryan Xue
<b>AMENDMENT TRANSMITTAL LETTER</b>  <b>Title: APPARATUS AND METHOD FOR CYCLIC ADJUSTMENT OF A SUPPORTING ELEMENT IN A SEAT</b>		<b>Serial No.</b>	09/986,213	
		<b>Filing Date</b>	October 22, 2001	
		<b>Examiner</b>	Burnham, Sarah C.	
		<b>Group Art Unit</b>	3636	

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.

☒ Large Entity Status☐ Small Entity status of this application has been established under 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED – PART II						SMALL ENTITY		OTHER THAN SMALL ENTITY	
	(Column 1)		(Column 2)	(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))	36*	Minus	**43	=	x \$9.00=		x \$18.00=	
	Independent (37 CFR 1.16(b))	*	Minus	** *	=	x \$42.00=		x \$84.00=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					x \$140.00=		x \$280.00=	
						TOTAL ADDIT. FEE	-0-	TOTAL ADDIT. FEE	-0-

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

- ☐ Petition of Extension of Time.
- ☒ No additional fee is required for amendment.
- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. 08-3460.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 08-3460.  
I have enclosed a duplicate copy of this sheet.
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 C.F.R. 1.17.

  
\_\_\_\_\_  
Signature

Robert C. Haldiman, 45,437  
Husch & Eppenger, LLC  
190 Carondelet Plaza  
St. Louis, MO, 63105  
314-480-1500  
314-480-1505 FAX

Custom No.: 029493

::ODMA\PCDOCS\ST\_LOUIS\1315521\1

Date:

## Certificate of Express Mailing

I hereby certify that this document and fee is being deposited with the United States Postal Service as "Express Mail" under 37 C.F.R. 1.10 Label No. ET380106828US on November 11, 2002 and addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature: Deb SpauldingType Name: Deb Spaulding**RECEIVED**

NOV 14 2002

**GROUP 3600**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

pm  
#7  
11/18/02

Application of: Ryan Xue	Group No.: 3636
Serial No.: 09/986,213	Atty. Docket No.: 41575/29337 (114)
Filed: 10/22/2001	
For: Apparatus and Method for Cyclic Adjustment of a Supporting Element in a Seat	Examiner: Burnham, Sarah C.

Commissioner of Patents and Trademarks  
Washington, DC 20231

**ELECTION AND TRAVERSE**

HONORABLE SIR:

Responsive to the official communication of October 15, 2002, Applicant submits the following Election and Traverse.

It is not believed that extensions of time are required beyond those, which may otherwise be provided for in documents accompanying this Amendment. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account 08-3460.

**RECEIVED**  
NOV 14 2002  
**GROUP 3600**

### ***Election Requirements Under MPEP § 806.05***

Applicant hereby elects group one, claims 1-18 and 25-43 for further prosecution in the currently pending application, with traverse.

### ***Species Restriction Under 35 USC § 121***

Applicant respectfully traverses. With regard to the species restriction, Claim 1 is clearly generic. Claim 1 has two limitations: a flexible supporting element and a driving means.

"Driving means" clearly applies generically to both "a traction driven lumbar support" and "and electric motor driven lumbar support." A "flexible supporting element" clearly applies generically to both a push paddle lumbar support and a flexible wire mat lumbar support. Claim 1 clearly covers cycling lumbar support with or without a polarity switch. Driven, flexible lumbar supports characterized in the Office Action as subgroups A-F, are all covered by generic claim 1.

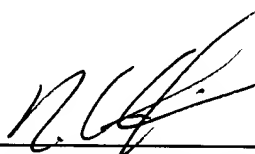
### ***Election***

With the above stated traverse, applicant elects "subgroup A." The claims corresponding to subgroup A include claims 1-11, 14-18, 25-35 and 38-43.

It is respectfully pointed out to the Examiner that traction driven lumbar supports commonly have the traction applied to them through a Bowden cable which is powered by an electric motor. As is supported on page 6 of the specification, and immediately clear to those who are skilled in the art from figures 1 and 2, positioning assembly 20 is a Bowden cable, i.e. a coaxial traction cable. It is engaged with the flexible support element 27 on one end and engaged with an electric motor 22 for powering movement

of the Bowden cable wire coaxially through the Bowden cable sleeve by movement of the actuating assembly 24. See, application, page 6. Accordingly, the above delineated claims which include limitations to both traction type supports and electric motors, may consistently represent a single species of both for continuing prosecution under the election described above. More clearly, however, the specification, drawings and claims all illustrate that a distinction between "subgroup A and subgroup B" is an inappropriate and artificial designation of species. Accordingly, applicant traverses the first grouping in paragraph 7 of the Office Action, while electing "subgroup A", with traverse, in order to comply with the requirements of the Office Action.

Respectfully submitted,



---

By: Robert C. Haldiman  
Husch & Eppenger, LLC  
190 Carondelet Plaza  
St. Louis, MO 63105  
314-480-1641  
314-480-1505 FAX